

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

| | | |
|--------------------------|---|------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | CR 219-065 |
| LIONEL VALENZUELA, |) | |
| |) | |
| Defendant. |) | |

ORDER

Before the Court is Defendant Lionel Valenzuela's letter wherein he requests a copy of his "pre-sentencing minutes" and "probation report." Dkt. No. 39. The Court construes Defendant's letter as a motion for a copy of his presentence investigation report ("PSR").

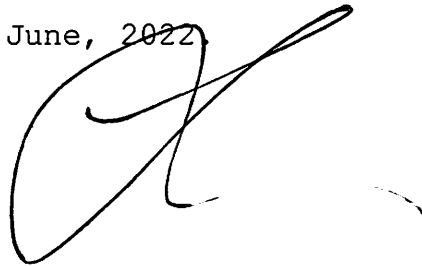
Although Federal Rule of Criminal Procedure 32(e)(1) requires a PSR to be disclosed to a defendant prior to sentencing, there is no constitutional right to disclosure of a PSR prior to sentencing. See, e.g., *United States v. Arenas-Granada*, 487 F.2d 858, 859 (5th Cir.1974); *United States v. Warren*, 432 F.2d 772, 772-73 (5th Cir. 1970). It logically follows from the nonexistence of a constitutional right to view a PSR prior to sentencing that there is no constitutional right to disclosure of a PSR in a . . . collateral proceeding.

Toomer v. United States, No. 6:10-CV-1197, 2010 WL 4008764, at *4 (M.D. Fla. Oct. 7, 2010) (ruling that a defendant may obtain a copy of his PSR in the context of a 28 U.S.C. § 2255 collateral proceeding). However, "a Petitioner may obtain his PSR when the

need for the PSR outweighs the resulting harm to state and federal officials conducting investigations. PSRs are generally confidential because disclosure may have a harmful effect on the investigations of state and federal officials." Id. (citing Shelton v. United States, 497 F.2d 156, 158 (5th Cir. 1974) (recognizing the Government's interest in confidentiality under the facts of the case)).

Here, Defendant states no reason to support his request for a copy of his PSR, and there exists no collateral proceeding for which Defendant might need to reference same. The Court concludes the Government's interest in confidentiality outweighs Defendant's desire to review his PSR. Accordingly, Defendant's motion for a copy of his PSR, dkt. no. 39, is **DENIED**.

SO ORDERED this 27 day of June, 2022.

A handwritten signature in black ink, appearing to be 'L. Godbey Wood', written over a horizontal line.

HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA